

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

In Re: Tyson Foods, Inc., Chicken Raised  
Without Antibiotics Consumer Litigation

1:08-md-01982-RDB

ALL ACTIONS

**DECLARATION OF JENNIFER M. KEOUGH**  
**RE: NOTICE AND SETTLEMENT ADMINISTRATION**

JENNIFER M. KEOUGH declares and states as follows:

1. I am Executive Vice President, Operations of The Garden City Group, Inc. (“GCG”). The following statements are based on my personal knowledge and information provided by other GCG employees working under my supervision, and if called on to do so, I could and would testify competently thereto. GCG has been providing comprehensive legal administration services for over 25 years. Our team has served as administrator for well over 1,000 cases. In the course of our history, we have mailed over 227 million notices, handled over 3 million calls, processed over 41 million claims, and distributed over \$22 billion.

2. GCG was retained in the above-captioned litigation (the “Litigation”) to serve as the Settlement Administrator. I submit this Declaration in order to provide the Court and the Parties to the Litigation with information regarding the mailing of the Notice of Settlement and the Tyson RWA Settlement Claim Forms (collectively, the “Notice Packet”), as well as the publication of a summary notice of Settlement (the “Summary Notice”) and the establishment of a website in accordance with the Settlement Agreement and General Release

dated January 12, 2010 (the “Settlement Agreement”) and the Court’s Preliminary Approval Order filed January 15, 2010 (the “Order”).

### **PUBLICATION OF THE NOTICE**

3. Pursuant to Paragraph 12 of the Settlement Agreement, GCG caused the Summary Notice to be published in the February 28, 2010 edition of *Parade* and the March 8, 2010 edition of *People*. Summary Notice tear sheets from these two magazines are attached hereto as Exhibit A.

4. On March 3, 2010, GCG caused a press release to be issued over *PR Newswire*’s US-1 network to more than 7,800 media outlets, including newspapers, websites, magazines, national wire services, television and radio broadcast media, online databases and Internet networks. An additional press release in Spanish was also issued through *PR Newswire*’s Hispanic Newslane on March 3, 2010.

5. Also pursuant to Paragraph 12 of the Settlement Agreement, GCG published internet banner ads on *Weather.com*, *CNN.com*, and *Parenting.com*. Additionally, banner ads were placed on over 400 sites via an online national network buy. Banner ads linked to a website established for the Settlement and ran from March 1, 2010 through March 30, 2010.

### **WEBSITE**

6. GCG also established and is maintaining a website dedicated to this Settlement ([www.ChickenSettlement.com](http://www.ChickenSettlement.com)) to provide additional information to the Class Members and to answer frequently asked questions. Users of the website can file a Claim Form online, download a Notice Packet, or review the Order and other relevant Court documents. The web address was set forth in the Notice Packet and the Summary Notice. The settlement website was operational on February 25, 2010, and is accessible 24 hours a day, 7 days a week. As of the date of this Declaration, the website has received 47,092 visits and 9,480 Claim Forms have been submitted online.

**TOLL-FREE NUMBER**

7. Beginning on February 25, 2010, GCG set up and continues to maintain an automated toll-free telephone number (1-800-949-1890), where potential Settlement Class Members can obtain information about the Settlement. This toll-free number is accessible twenty-four hours a day, seven days a week. Class Members who call the toll-free number have the option of leaving a voice message requesting either a Notice Packet or a return call from a call center representative. As of the date of this Declaration, there have been 1,355 calls to the automated number. Of the 1,355, 989 callers have left messages requesting a Notice Packet and 111 callers have requested a return call. Each request for a return call was handled promptly. GCG has and will continue to expeditiously handle potential Class Member inquiries.

**DISSEMINATION OF THE NOTICE**

8. GCG is responsible for disseminating the Notice Packet to Class Members in this Litigation. Toward that end, on March 1, 2010, GCG received from Defendant's Counsel an electronic file of 108 records, and were advised that the file contained the contact information for potential Class Members as specified in Paragraph 4 of the Order.

9. On March 1, 2010, GCG loaded this data into a database created for the Litigation. As part of the standardization of addresses, GCG populated 108 state names for records that did not originally contain states but did contain zip codes.

10. In addition to the 108 records provided by Class Counsel, GCG also received 487 requests for Notice Packets via the toll-free number prior to the initial mailing. GCG formatted the Notice Packet, and caused it to be printed and personalized with the name and address of each Class Member. GCG posted the Notice Packets for first-class mail, postage pre-paid on March 3, 2010 (the "Initial Notice Date"). On the Initial Notice Date, 595 Notice Packets were mailed. A copy of the Notice Packet is attached hereto as Exhibit B.

11. After the Initial Notice Date, GCG commenced and continues to maintain regular mailings to potential class members who request Notice Packets via postal mail or via phone. As of the date of this Declaration, GCG has mailed a total of 1,398 Notice Packets.

#### **UNDELIVERABLES**

12. As of the date of this Declaration, GCG has received 10 Notice Packets returned by the U.S. Postal Service with forwarding address information. These Notice Packets were promptly remailed to the updated addresses provided.

13. As of the date of this Declaration, GCG has received 30 Notice Packets returned by the U.S. Postal Service as undeliverable without forwarding address information.

#### **CLAIM SUBMISSIONS**

14. Pursuant to the terms outlined in the Notice Packet, Class Members who wish to file a claim are required to submit a complete Claim Form to GCG via mail or online submission postmarked or filed no later than July 6, 2010. As of the date of this Declaration, GCG has received 10,689 timely Claim Forms.

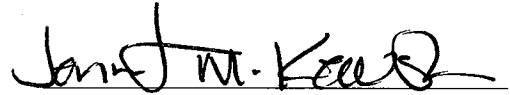
#### **OBJECTIONS AND EXCLUSIONS**

15. Pursuant to Paragraph 9 of the Order, any Class Member who wishes to object to the approval of the Settlement is required to inform the Court and the Parties of their intent, on or before April 19, 2010. As of the date of this Declaration, GCG has not received any objections from Class Members.

16. Pursuant to Paragraph 8 of the Order, any Class Member who wishes to be excluded from the Settlement is required to inform GCG on or before April 19, 2010. As of the date of this Declaration, GCG has not received any exclusions from Class Members.

I declare under penalty of perjury under the laws of the State of Maryland that the foregoing is true and correct.

Executed on April 8, 2010 at Seattle, Washington.

A handwritten signature in black ink, appearing to read "Jennifer M. Keough", written over a horizontal line.

**Jennifer M. Keough**